

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 1:22-cv-345

HENRY ANTOINE GILL,

Plaintiff,

v.

SENECA EARL WRIGHT and
SCHNEIDER NATIONAL CARRIERS,
INC., Individually and Jointly,

Defendants.

NOTICE OF REMOVAL

Defendant Schneider National Carriers, Inc., (hereafter “Defendant Schneider”), by and through its undersigned counsel, hereby exercises its rights under the provisions of 28 U.S.C. §§ 1332 and 1441 et seq., to remove this action from the General Court of Justice, Superior Court Division, Davidson County, North Carolina, in which this case is now pending as Case No. 22 CVS 586. Defendant Schneider states the following in support of this removal:

1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction pursuant to 28 U.S.C. §1332 in that complete diversity of citizenship existed at the time of the filing of this action and still exists as between the Plaintiff and the Defendants, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. On March 28, 2022, a Civil Summons and Complaint were filed in the action styled *Henry Antoine Gill v. Seneca Earl Wright and Schneider National Carriers, Inc.*,

Individually and Jointly, Civil Action File No. 22 CVS 586, in the General Court of Justice, Superior Court Division, Davidson County, North Carolina.

3. This is a personal injury case. Plaintiff seeks to recover damages for injuries he sustained as a result of the alleged negligence of Defendants. Allegations in the Complaint and communications with Plaintiff's counsel establish that more than \$75,000.00 is at issue in this matter.

4. Under the provisions of 28 U.S.C. §1441 et seq., the right exists to remove this cause from the General Court of Justice, Superior Court Division, Davidson County, North Carolina, to the United States District Court for the Middle District of North Carolina, which is the District where this action is pending.

5. Plaintiff is a citizen and resident of Columbia, Richland County, South Carolina.

6. Defendant Seneca Earl Wright (hereinafter "Defendant Wright") is a citizen and resident of Lorton, Fairfax County, Virginia.

7. Defendant Schneider National Carriers, Inc. is now, and was at the commencement of this litigation, a corporation organized and existing under the laws of the State of Nevada. Although Schneider National Carriers, Inc. does business in and maintains an office in North Carolina and other states, its principal place of business is in Green Bay, Wisconsin.

8. The date on or before which Defendants are required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to Plaintiff's Complaint has not lapsed.

9. In accordance with the requirements of Title 28 U.S.C. § 1446(b), this Notice of Removal was filed within 30 days after the receipt by Defendant Schneider National Carriers, Inc., through service or otherwise, of a copy of the pleading setting forth the claim for relief upon which the action is based. The Summons and the Complaint was served upon and received by Defendant Schneider National Carriers, Inc., through service on its registered agent, on April 7, 2022. Upon information and belief, the Summons and the Complaint has not yet been served upon Defendant Seneca Earl Wright.

10. Because diversity of citizenship exists between the parties, and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction over the controversy pursuant to 28 U.S.C. §1332(a).

11. In accordance with the requirements of the United States District Court, Middle District of North Carolina, Defendant are attaching hereto copies of the process and pleadings filed in the Davidson County Superior Court of North Carolina action as follows: Exhibit A-Complaint; and Exhibit B–Affidavit of Service of Process by Certified Mail of Defendant Schneider National Carriers, Inc.

12. Service of this Notice of Removal is being made on all parties as required by law.

13. Promptly after filing this Notice of Removal, Defendant Schneider will serve upon the other parties, and file with the Clerk of Superior Court of Davidson County, as required by law, a “Notice of Filing of Notice of Removal” in the form attached as Exhibit C.

WHEREFORE, Schneider National Carriers, Inc. prays that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court. Defendant Schneider further requests that there be a trial by jury of all issues so triable.

This the 5th day of May, 2022.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Dana H. Hoffman
DANA H. HOFFMAN
N.C. State Bar No. 17381
3101 Glenwood Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: dana.hoffman@youngmoorelaw.com
*Attorneys for Defendant Schneider National
Carriers, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of May, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and served the foregoing document on the attorneys and/or parties shown below by email and/or by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorneys and/or parties:

William H. Harding
Law Office of William H. Harding
9115 Harris Corners Parkway, Suite 220
Charlotte, NC 28269
bill@williamhharding.com
Attorneys for Plaintiff

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Dana H. Hoffman
DANA H. HOFFMAN
N.C. State Bar No. 17381
3101 Glenwood Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: dana.hoffman@youngmoorelaw.com
*Attorneys for Defendant Schneider National
Carriers, Inc.*